

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

WILLIAM G. OSBORNE,  
Plaintiff,

vs.

DISTRICT ATTORNEY'S OFFICE FOR  
THE THIRD JUDICIAL DISTRICT,  
ANCHORAGE, ALASKA; SUSAN A.  
PARKES, DISTRICT ATTORNEY, in  
her official capacity;  
ANCHORAGE POLICE DEPARTMENT,  
ANCHORAGE, ALASKA; WALT  
MONEGAN, ANCHORAGE POLICE  
DEPARTMENT.

Defendants.

Case No. 3:03-cv-0118-RRB

**ORDER DENYING MOTION  
TO STAY PROCEEDINGS**

Before the Court are Defendants Anchorage District Attorney's Office and Susan A. Parkes, former District Attorney, in her official capacity, with a Motion to Stay Proceedings (Docket 87). Defendants argue the present matter should be stayed until post-conviction proceedings in the Alaska State Courts are

completed.<sup>1</sup> The motion is opposed at Docket 87 and **DENIED** for reasons stated therein.<sup>2</sup>

In conjunction with Osborne v. District Attorney's Office for Third Judicial Dist., 423 F.3d 1050, 1056 (9th Cir. 2005), the only issue before the Court in this matter is whether Plaintiff William G. Osborne was deprived of a federally protected right, i.e., a right to seek "post-conviction access to biological evidence in the government's possession."<sup>3</sup> The Alaska State Courts have already found against Plaintiff with respect to the same. See Osborne v. State, 110 P.3d 986, 995 (Alaska App. 2005)(holding that Plaintiff "has no due process right under the federal constitution to present new evidence to establish his factual innocence.").

For this reason, and for additional reasons more carefully articulated in Plaintiff's Response to Motion to Stay Proceedings (Docket 97), the Court concludes there is no logical reason to delay the present matter any further. Consequently,

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<sup>1</sup> Clerk's Docket 87 at 1-2.

<sup>2</sup> Having thoroughly reviewed the matter, the Court deems oral argument unnecessary and directs the parties to address only Plaintiff's Motion for Summary Judgment (Docket 76) on Tuesday, May 16, 2006.

<sup>3</sup> Osborne v. District Attorney's Office, 423 F.3d 1050, 1056 (9th Cir. 2005).

Defendants' Motion to Stay Proceedings (Docket 87) is hereby  
**DENIED.**

ENTERED this 25<sup>th</sup> day of April, 2006.

/s/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE